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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,878	07/12/2001	Behzad Mohebbi	FUJL 18.592	7460
26304	7590	03/23/2005	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			PHAN, HUY Q	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/807,878	MOHEBBI, BEHZAD	
	Examiner	Art Unit	
	Huy Q Phan	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-47 and 63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-47 and 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/19/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II, Claims 44-47 and 63 in the reply filed on Dec. 07, 2004 is acknowledged.

Response to Amendment

2. This Office Action is in response to Amendment filed on date: Jul. 15, 2004.
Claims 44-47 and 63 are still pending.

Response to Arguments

3. Applicant's arguments, see remark, filed on Jul. 15, 2004, with respect to the rejection(s) of claim(s) 44-47 and 63 under 102 (e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Turcotte et al. (US-6,546,250).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 2687

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44-47 and 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Turcotte et al. (US-6,546,250).

Regarding claim 44, Turcotte et al. disclose a mobile station (figs. 1-2, MS 32), for use in a cellular communications network (figs. 1 and its description), comprising:

a call setup information receiving portion (fig. 2, transceivers 36), operable in a call setup process for setting up a call between the network and the mobile station (col. 4, line 63-col. 5, line 2), to receive from a first base transceiver station of the network call setup information for use by the mobile station to allocate respective uplink and downlink channels between the mobile station and at least one further base transceiver station of the network (col. 4, line 63-col. 5, line 16);

a call setup information storage portion which stores the received call setup information (fig. 2, storage 40 and col. 5, lines 16-21); and

a hand-off control portion operable initially (col. 5, lines 37-43), following completion of said call setup process, to cause the mobile station to communicate with said first base transceiver station and operable when, during the course of the call it is determined that the mobile station should communicate with the, or one of the, further base transceiver stations, to employ the stored call setup information received in the call setup process to activate said uplink and downlink channels between the mobile station and that further base transceiver station (col. 8, lines 29-37; for more details see cols. 5-9).

Regarding claim 45, Turcotte et al. disclose the mobile station as claimed in claim 44, further comprising: a monitoring portion (col. 5, lines 37-43) which produces a signal measure for said first base transceiver station and for the or each further base transceiver station, which signal measure serves to indicate the performance of a communications channel between the mobile station and the base transceiver station concerned (col. 7, lines 5-61).

Regarding claim 46, Turcotte et al. disclose the mobile station as claimed in claim 45, further comprising a base transceiver station selection portion which determines (col. 5, lines 9-13), in dependence upon said signal measures (col. 5, lines 37-43 and col. 7, lines 5-61), with which of the base transceiver stations the mobile station should communicate (for more details see cols. 5-9).

Regarding claim 47, Turcotte et al. disclose the mobile station as claimed in claim 46, wherein the mobile station further comprises: a message portion (col. 8, lines 29-37) operable to include, in one or more uplink signals transmitted by the mobile station, an uplink control message identifying the or each determined base transceiver station (for more details see cols. 8-9).

Regarding claim 63, Turcotte et al. disclose a mobile station (figs. 1-2, MS 32), for use in a cellular communications network (figs. 1 and its description), comprising:

Art Unit: 2687

call setup information receiving means (fig. 2, transceivers 36), operable in a call setup process for setting up a call between the network and the mobile station (col. 4, line 63-col. 5, line 2), to receive from a first base transceiver station of the network call setup information for use by the mobile station to allocate respective uplink and downlink channels between the mobile station and at least one further base transceiver station of the network (col. 4, line 63-col. 5, line 16);

call setup information storage means (fig. 2, storage 40 and col. 5, lines 16-21) for storing the received call setup information (col. 6); and

hand-off control means (col. 5, lines 37-43) operable initially, following completion of said call setup process, to cause the mobile station to communicate with said first base transceiver station and operable when, during the course of the call it is determined that the mobile station should communicate with the, or one of the, further base transceiver stations, to employ the stored call setup information received in the call setup process to activate said uplink and downlink channels between the mobile station and that further base transceiver station (col. 8, lines 29-37; for more details see cols. 5-9).

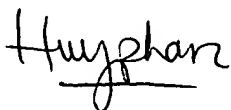
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-6PM.

Art Unit: 2687

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SONNY TRINH
PRIMARY EXAMINER

Examiner: Phan, Huy Q.

AU: 2687

Date: Mar. 19, 2005